an allied or associated power in accordance with the provisions of the present treaty, will not be considered as German nationals." TREATY OF VERSAILLES, Part X, s. IV, art. 297, para. (*b*). The treaty also ceded the territory of Danzig to the principal allied and associated powers to be constituted a Free City. Part III, s. XI, arts. 100-108. The Danzig owners of the ships asked restoration and compensation, contending that they were not to be considered German nationals within the meaning of the treaty provisions. *Held,* that the ships must be condemned. Apart from the treaty, the conclusion of peace and the transfer of the claimants' allegiance to the Free City of Danzig did not revest property which became subject to condemnation during the war. The claimants were German nationals within the meaning of the treaty provisions. *The Blonde and Other Ships,* [1921], P. 155.

As regards neutral vessels captured during war, it has been a moot question whether they may be condemned after the conclusion of peace. Compare OPPENHEIM, INT. LAW, 2d ed., II, 436, and *The Doelwyk, Martens, Nouveau Recueil Général,* 2d Sér., XXVIII, 66, 85 (Italy, 1896). Enemy vessels, on the other hand, can hardly escape the decree of condemnation because peace has intervened. *The Blonde, supra;* 1 KENT, COMMENTARIES, 173. Nor does there appear to be any good reason for differentiating the case of German claimants who have become subjects of the Free City of Danzig from the case of those who have remained subjects of Germany. *The Marie Leonhardt,* [1921], P. 1. Furthermore, as a matter of treaty interpretation, it seems clear that the claimants were not German nationals who had acquired *ipso facto* the nationality of an allied or associated power. But the court went on to support its interpretation by emphasizing the notion that Danzig has been constituted "a new sovereign power" with an international status independent of Poland. This is the merest fiction. While it has been asserted on behalf of the allied and associated powers that the inhabitants of Danzig "form no part of the Polish state" (13 AM. JOUR. INT. LAW, 545, 549), the Treaty of Versailles (Art. 108), nevertheless, anticipates that Poland, in addition to its control of commerce and transportation, will "undertake the conduct of the foreign relations of the Free City of Danzig as well as the diplomatic protection of citizens of the City when abroad." If the court desired to consider the international status of Danzig, it ought to have given due weight to these facts.

LAW OF NATIONS—ENEMY MERCHANT SHIPS IN PORT AT OUTBREAK OF WAR—WHEN USAGE DEVELOPS INTO BINDING CUSTOM.—A German steamship was seized in the port of London at the outbreak of war. After the conclusion of peace the owners claimed the release of the ship on the ground that there is a customary rule of the law of nations, binding on prize courts, which requires a belligerent to allow enemy merchant ships within its ports at the outbreak of war a reasonable period of time in which to depart. *Held,* that enemy merchant ships in port at the outbreak of war are liable to seizure and condemnation as prize. *The Marie Leonhardt,* [1921], P. 1.

Usage is an important source of the law of nations as recognized and applied by the courts. *The Paquete Habana,* 175 U. S. 677. But when, to

borrow the figure of Pitt Cobbett, does a random route across a common acquire the character of an acknowledged path? When does usage crystallize into binding custom? The answer was not difficult in the principal case. In 1782 Lord Mansfield had asserted the rule to be that "upon the declaration of war, or hostilities, all the ships of the enemy are detained in our ports, to be confiscated as the property of the enemy, if no reciprocal agreement is made." *Lindo* v. *Rodney*, 2 Doug. 612 n., 615 n. Subsequently, the usage of nations became somewhat more lenient. Upon the outbreak of the Crimean War in 1854, the belligerent governments allowed liberal periods in which enemy merchant ships in their ports might depart without hindrance. See *The Phœnix*, Spink's P. C. 1. A similar practice was observed at the beginning of each of the principal wars of the ensuing half century. Thus, the United States granted thirty days at the outbreak of the war with Spain, liberally construed in the case of *The Buena Ventura*, 175 U. S. 384. As regards details, however, the practice was not uniform. And the granting of a period seems to have been commonly regarded as an act of grace. An attempt to agree upon a common rule at The Hague in 1907 was unsuccessful. Great Britain, France, Japan, and the Argentine voted against a proposal to recognize the usage as obligatory. The convention drafted was an unsatisfactory compromise. It was never signed by the United States. See HIGGINS, THE HAGUE PEACE CONFERENCES, 295-307. At the beginning of the World War the granting of a period depended in most instances upon reciprocal agreement. There was no uniformity as regards either the principle or the details of its application. See GARNER, INT. LAW AND THE WORLD WAR, I, ch. 6. "There was thus an inchoate usage of exemption, although it was not either sufficiently uniform or sufficiently long established to rank as an obligatory custom." COBBETT, LEADING CASES, [3rd Ed.], II, 167.

LAW OF NATIONS—NATIONALITY—STATELESSNESS.—The plaintiff was discharged from German nationality in 1896. He settled in England, but was never naturalized, nor did he ever acquire nationality in any other country. He sued for a declaration that he was not a German national within the meaning of treaty clauses providing that the property of German nationals might be charged with the payment of certain claims. *Held*, that he was entitled to the declaration. "Statelessness" is recognized in English municipal law. *Semble*, that it is recognized in the law of nations. *Stoeck* v. *Public Trustee*, [1921], 2 Ch. 67.

Whether the status of no nationality is recognized in English municipal law has been questioned but never before decided. A few years ago Lord Phillimore seems to have doubted whether such a status had been recognized in any system of law. *Ex parte Weber*, [1916], 1 K. B. 280, 283. In the same case the House of Lords left the question open. [1916], 1 A. C. 421. No cases have been found on the point in American reports. See HUBERICH, TRADING WITH THE ENEMY, 86-9. Whether the status is conceivable from the point of view of the law of nations has been controverted. See BORCHARD, DIPLOMATIC PROTECTION OF CITIZENS ABROAD, 11, 262; OPPENHEIM, INT. LAW, [3rd Ed.], I, 311-13. Assuming that the court was justified in